

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS

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In re:

Chapter 11

BUHRE BEVERAGE DISTRIBUTION, INC.,

Case No. 14-22048-rdd

Debtor.

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WILLIAM SANCHEZ,

Plaintiff,

Adv. Pro. No.: 14-08218-rdd

-against-

BUHRE BEVERAGE DISTRIBUTION, INC.,
BHAVEEN SAPRA, BRUCKNER BEVERAGE, INC.
and PEPSI-COLA BOTTLING COMPANY OF NEW
YORK, INC.,

Defendants.

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**AFFIRMATION PURSUANT TO LOCAL
BANKRUPTCY RULE 9077-1(a)**

MICHAEL G. Mc AULIFFE, ESQ., being duly sworn, deposes and says:

1. I make this Affirmation in support of the Order to Show Cause of Sanchez (the “Sanchez OSC”) seeking the entry of an Order: (a) restraining and enjoining Pepsi-Cola Bottling Company of New York, Inc. (“Pepsi”) and/or any of its agents from actively and/or constructively terminating the Debtor’s and/or Sanchez’s rights under the existing distributor agreement (the “Buhre Distributor Agreement”) between Pepsi, Buhre Beverage Distribution, Inc. (alternatively, “Buhre” and the “Debtor”) and Sanchez; (a) directing Pepsi to immediately restore control and operation of the certain Pepsi distribution route that covered certain territory in the Bronx, New York (the “Buhre Pepsi Route”) that is the subject of the Buhre Distributor Agreement, to the

Debtor under the normal and ordinary terms thereof; and (c) for such other and further relief as this Court deems just and equitable under the circumstances.

2. The relief requested herein is being sought by way of order to show cause rather than by notice of motion because: (a) part of the relief sought is a temporary restraining order which can only be issued by way of an order to show cause; and (b) due to the unilateral actions of Pepsi, the Debtor is in immediate risk of losing it's primary asset, and as such, there was insufficient time to proceed by way of notice of motion.

3. No prior request for the relief sought in this Application has been made to this or any other court in connection with this chapter 11 case.

4. It is respectfully submitted that the foregoing complies with the requirements set forth in Local Bankruptcy Rule 9077-1(a).

/s/ Michael G. Mc Auliffe
MICHAEL G. MC AULIFFE